

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRIAN KEITH MELONSON	§	
VS.	§	CIVIL ACTION NO. 1:22cv493
ZENA STEPHENS	§	

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION


Brian Keith Melonson, proceeding *pro se*, filed this petition for writ of habeas corpus. The Court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends that this petition be dismissed without prejudice for failure to exhaust state habeas remedies. The recommendation was based on the conclusion that petitioner failed to allege he presented his claims to the Texas Court of Criminal Appeals.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Proper notice was given to petitioner at his last known address. *See* FED. R. CIV. P. 5(b)(2)(c). No objections were filed to the Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge [Dkt. 3] is ADOPTED as the opinion of the Court. A final judgment shall be entered in accordance with the recommendation of the magistrate judge.

SIGNED this 28th day of February, 2023.



Michael J. Truncala
United States District Judge